

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

W.P.(C).No.31694 of 2014 (J)

PETITIONER(S):-

M. REGHUPAL, AGED 40 YEARS, S/O MURUGAPPASWAMY,
1/3 NEDUMPARAKKALAM,
VANNAAMADA P.O., GOPALAPURAM, PALAKKAD DIST.

BY ADV. SRI.P.SANTHOSH KUMAR (TR).

RESPONDENT(S):-

1. REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REPRESENTED BY ITS SECRETARY,
PALAKKAD-678001.
2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, PALAKKAD-678001.
3. LATHA, W/O RAJENDRAN,
CHOLAKKULAM, ERATTUKULAM P.O.,
EALPPULLY, PALAKKAD DISTRICT-678622.

R1 & R2 BY GOVERNMENT PLEADER SRI.R.RANJITH.
R3 BY ADV. SRI.I.DINESH MENON.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1: TRUE COPY OF THE REGULAR PERMIT IN THE ROUTE
GOPALAPURAM- PALAKKAD VIA KOZHINJAMPARA AND PARA
OF VEHICLE KL/09/R-3690.

EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS OF THE RTA MEETING
HELD ON 10.12.2013.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 28.10.2014
FILED BEFORE THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 7.11.2014.

EXHIBIT P5: TRUE COPY OF THE NOTICE DATED 17.11.2014.

EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 13.11.2014
SUBMITTED BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

EXHIBIT R3(a) ORIGINAL OF THE PROCEEDINGS GRANTING REGULAR
PERMIT.

EXHIBIT R3(b) TRUE COPY OF THE RC BOOK OF KL-9 J 84.

vku/-

(true copy)

K. Vinod Chandran, J.

W.P(C) No.31694 of 2014-J

Dated this the 2nd day of February, 2015

JUDGMENT

The petitioner is aggrieved by the attempt to issue a granted permit to the 3rd respondent, for reason only of the 3rd respondent's failure to produce the vehicle within the time as provided under Rule 159 of the Kerala Motor Vehicles Rules, 1989 [for brevity "KMV Rules"]. The petitioner contends that the permit was granted as per Exhibit P2 on 10.12.2013 and within four months of the said grant, no vehicle was produced by the 3rd respondent, as provided under Rule 159 of the KMV Rules.

2. The 3rd respondent, however, contends, by producing a copy of the original proceedings of Exhibit P2 issued to him, as Exhibit R3(a), which indicates that the issuance of the said order was made only on 07.02.2014. The 3rd respondent, as per the postal cover produced along with Exhibit R3(a), received it only on 21.02.2014 since it was despatched only on 20.02.2014. The petitioner is said to have produced the vehicle on 17.03.2014.

If that is so, there is no difficulty in considering the issuance of the permit. However, the petitioner submits that, even as of now the issuance has not been done.

3. If the facts stated by the 3rd respondent are correct, the Secretary, RTA would definitely have to consider the issuance of permit, in accordance with law and looking at Rule 159 of the KMV Rules, which mandates extension only if the vehicle has not been produced within one month of the date of the grant. The date of order necessarily has to be related to the date of issuance of the order. Definitely limitation commenced not from the date of grant; but the receipt of the communication by the 3rd respondent.

In the above circumstances, the writ petition would stand closed, leaving open the contentions of the parties to be urged before the respondent-authority.

Sd/-
K. Vinod Chandran,
Judge

vkul

(true copy)